



la Convention  
de la Baie-James  
et du Nord québécois

Comité consultatif  
pour l'environnement  
de la Baie-James

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**MINUTES OF THE 95th MEETING  
OF THE JAMES BAY ADVISORY COMMITTEE  
ON THE ENVIRONMENT  
(ADOPTED)**

**DATE:** February 4, 1997

**LOCATION:** Cree Regional Authority (CRA)  
277 Duke St.  
Montréal

**PRESENT:** Yves Désilets, Canada, Vice-Chairman  
Robert Daigneault, Québec, Chairman  
Louise Filion, Québec  
Susanne Hilton, CRA  
Willie Iserhoff, CRA  
Ginette Lajoie, CRA  
Jacques Lefebvre, Québec  
Pierre Paulhus, Canada  
Denis Bernatchez, Secretary

**ABSENT:** Denis Vandal, HFTCC  
Diane Morneau, Canada  
Diom Roméo Saganash, CRA

**GUEST  
PARTICIPANTS:** John Kitchen, Chief of Waswanipi  
Martin Pelletier, student researcher



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1. **CALL TO ORDER AND ADOPTION OF THE AGENDA**

The Chairman welcomed the members and called the 95th meeting of the JBACE to order.

The following agenda was adopted :

1. Call to order and adoption of the agenda
2. Adoption of the minutes of the 94th meeting
3. Business related to the 94th meeting
4. Forestry issues
5. Meeting with the federal Minister of the Environment
6. Review of Section 22
7. Administrative agreement on mining
8. Tabling of documents
9. Presentation by Martin Pelletier
10. Varia
  - 10.1 Follow-up on administrative agreement and brief
  - 10.2 1997-1998 budget proposal
  - 10.3 Joint action between northern committees and JBNQA
11. Date and location of next meeting

2. **ADOPTION OF THE MINUTES OF THE 94TH MEETING**

The minutes of the 94th meeting were adopted with minor changes.

3. **BUSINESS RELATED TO THE 94TH MEETING**

The follow-up discussion on the 94th meeting began with the memo dated December 2, 1996.

Louise Filion briefly informed the members of the January 24, 1997 meeting in Montréal convened by Environment and Wildlife Minister David Cliche. The Minister was accompanied by Diane Gaudet, Deputy Minister (MEF) and Suzanne Giguère, Assistant Deputy Minister (MEF).

COMEV, COMEX, the KEQC and the KEAC were all officially represented; the JBACE was not.

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Discussions were informal and cordial. It was noted that the two advisory committees (KEAC and JBACE) have similar interests, but different interests from the technical committees. The Minister made no promises to amend sections 22 and 23 in the short term, but said he nevertheless hoped the committees would indicate which paragraphs they would eventually like to see amended.

After going over the meeting with the Minister, the members said they wanted the JBACE to supervise the review of Section 22 and be designated the MEF contact on this matter.

**4. FORESTRY ISSUES**

A CRA representative tabled and explained the main elements of the map entitled "Forest Disturbances for 1970-1999 Period Within James Bay Cree Commercial Forest Territory". This map is the base document used by the subcommittee on forestry. Seven traplines meet the two overharvesting criteria.

After discussing the matter, the Committee passed the following resolution:

**JBACE Resolution 97-02-04-01 regarding overharvesting on seven Cree traplines in the James Bay territory**

- Whereas** the JBACE formed a forestry subcommittee to help address forestry issues affecting the territory covered by the Committee;
- Whereas** the Forestry Subcommittee informed the JBACE that seven Cree traplines in the James Bay territory have apparently been disturbed by overharvesting;
- Whereas** paragraph 24.3.25 of the JBNQA stipulates that the present system of Cree traplines shall continue;
- Whereas** the two overharvesting criteria sanctioned by the JBACE and used by the Subcommittee to qualify logging as excessive in terms of protecting the rights and guarantees of the Cree people are as follows:

- 1- over 60 percent of productive forest land within the Cree trapline is affected by natural and anthropogenic disturbances;
- 2- the average annual harvest within the Cree trapline exceeds 3 percent of the surface area;

- Whereas** according to the data collected by the Forestry Subcommittee and the report submitted to the JBACE, logging on Cree traplines M-41, M-49, M-51B, N-20, W-11, W-25B and W-26 meets the above two criteria and, consequently, these traplines have been disturbed by overharvesting;
- Whereas** the MRN regional representatives participating in a Forestry Subcommittee working group were informed of this situation;
- Whereas** said regional representatives indicated that they are required to enforce the Regulations respecting standards of forest management for forests in the public domain (RNI) stringently and that, in their opinion, the RNI enables harvesting levels that exceed the percentage considered by the JBACE to constitute overharvesting;
- Whereas** the JBACE has examined the extent of and trends in logging in the territory covered by the environmental and social protection regime established by Section 22 of the James Bay and Northern Québec Agreement;
- Whereas** the JBACE submitted a brief on the RNI in which it stressed the importance of establishing special rules governing forestry development in the James Bay territory;
- Whereas** the JBACE considers that the MRN's regulations respecting forestry development do not sufficiently reflect the realities of the North and, consequently, lead to unacceptable situations such as that described in the Cree Regional Authority document prepared in January 1997 and entitled "Présentation de la carte synthèse intitulée 'Forest Disturbance for 1970-1999 Period Within James Bay Cree Commercial Forest Territory'" (copy enclosed);
- Whereas** without separate regulations for the Territory, the guiding principles of the environmental and social protection regime established by Section 22 of the James Bay and Northern Québec Agreement (JBNQA) are ignored;

**Whereas** the environmental and social protection regime established by the JBNQA provides for, among other things, "the protection of the Cree people, their economies and the wildlife resources upon which they depend"; and

**Whereas** the situation affecting the seven Cree traplines in question is urgent and serious:

**It is hereby resolved:**

- to ask that the MRN declare an immediate moratorium on logging within the above-mentioned Cree traplines;
- to ask that, if necessary, the MRN take emergency measures to amend the legislation so it can enforce this moratorium;
- to ask that the MRN order the immediate restoration of said Cree traplines;
- more generally, to expedite the study and implementation of concrete measures designed to take Cree traplines and the traditional Native pursuits carried out thereon into account when planning forestry development in the Territory; and
- to ask that the MRN immediately decree that forest product companies give due consideration to the guiding principles set forth in paragraph 22.2.4 of the JBNQA when preparing the next series of forest management plans and planning forestry development in the Territory.

The above resolution will be forwarded to the Minister of Natural Resources, Guy Chevette.

The members agreed to ask Mr. Chevette for a reply to the budget proposal submitted on December 20, 1996. The JBACE desperately needs these funds to establish the criteria for studying forest management plans submitted to it under paragraph 22.3.34 of the JBNQA.

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**Follow-up on JBACE files**

To facilitate follow-up, the members agreed on the following procedure. If, after 30 days of sending a letter, the JBACE has not received an acknowledgement of receipt, a second letter will be sent. If an acknowledgement of receipt has been received, the second letter will be sent 30 days following the date of transmission.

**Waswanipi model forest proposal**

The JBACE had invited John Kitchen, Chief of Waswanipi, to today's meeting to present the Cree community's proposal for an Aboriginal model forest. The proposal was being submitted at the request of the Canadian Forest Service (CFS). Chief Kitchen tabled a draft document outlining the project and thanked the JBACE for inviting him. This project is of great importance to the community of Waswanipi.

The community would be working in partnership with Domtar, Université Laval and possibly the Québec government. The Band wants to demonstrate how forestry development can be carried out on the basis of traplines, as well as the need to adapt forestry practices to the needs of Cree trappers. In the Band's view, a model forest should use traplines as the basic unit of reference for forestry development. If the CFS approves Waswanipi's project, a budget will be made available and Chief Kitchen will submit the project to the JBACE for comments.

The Chairman thanked Chief Kitchen for taking the time to come and explain the Aboriginal model forest project to the Committee.

The JBACE decided to lend its support to the project tabled by Chief Kitchen by passing the following resolution:

**JBACE RESOLUTION 97-02-04-02 regarding the Waswanipi Band's proposal for an Aboriginal model forest**

**Whereas** The Canadian Forest Service invited the community of Waswanipi to submit a proposal for an Aboriginal model forest;

**Whereas** the JBACE was created to review and oversee the administration and management of the environmental and social protection regime established by and in accordance with Section 22 of the JBNQA;

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- Whereas** the JBACE deems it fundamental that the Native communities living in the James Bay territory be able to promote their views and values with regard to forestry development;
- Whereas** Cree traplines should serve as the basic unit of reference for all forest management and development in the Territory;
- Whereas** forestry development must be carried out in a manner that respects the environment and ensures the sustainability of resources for future generations;
- Whereas** forestry development must be consistent with the principle of sustainable development and it is in the interest of Native communities to ensure that it is, given their symbiotic relationship with the forest;
- Whereas** the model proposed by the community of Waswanipi could have positive repercussions for forest management as a whole. The model could be adopted by other Native bands as well as by all timber supply and forest management agreement (TSFMA) holders;
- Whereas** one of the guiding principles established by paragraph 22.2.4 of the James Bay and Northern Québec Agreement (JBNQA) is "the protection of the hunting, fishing and trapping rights of Native people in the Territory".

**It is hereby resolved that:**

The James Bay Advisory Committee on the Environment (JBACE) wholeheartedly and unconditionally supports the community of Waswanipi's proposal for an Aboriginal model forest.

**5. MEETING WITH THE FEDERAL MINISTER OF THE ENVIRONMENT**

The JBACE Secretary has tried several times to arrange a meeting with federal Environment Minister Sergio Marchi, but has been unsuccessful due to the Minister's extremely busy schedule.

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The Minister's Office suggested that the JBACE meet instead with either a deputy minister or the president of the Canadian Environmental Assessment Agency. The JBACE declined, since the issues it wishes to address with the Minister are political, not technical, in nature.

The members therefore agreed that the Committee should continue its attempts to arrange a meeting with the Minister.

**6. REVIEW OF SECTION 22**

The members agreed that the JBACE should supervise the review of Section 22 and meet with the chairmen of the other northern committees to initiate the process. The CRA agreed to draft a background document which it will submit to the JBACE for comments before sending it to the other northern committees.

It was agreed to write to David Cliche to inform him that the Committee is in urgent need of the documents promised by then minister Jacques Brassard in 1995.

**7. ADMINISTRATIVE AGREEMENT ON MINING**

The Secretary distributed copies of the following documents:

- MRN/MEF memorandum of understanding on mining;
- Guidelines for Preparing a Rehabilitation Plan;
- folder on the new regulatory provisions;
- consultation paper on the revision of the Mining Act.

The Secretary prepared a memo outlining the mine site rehabilitation procedure and informing the members that the Mining Act is currently being overhauled.

Jean Dionne, an engineer with the MRN's Service des titres d'exploitation, will be invited to the JBACE's next meeting, along with the chairmen of COMEV and COMEX.

**8. TABLING OF DOCUMENTS**

Three-page document by student researcher Martin Pelletier entitled "Élaboration d'un processus d'apprentissage entre les autochtones et l'industrie forestière".

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9. **PRESENTATION BY MARTIN PELLETIER**

Martin Pelletier, a doctoral student, had been invited to the meeting to present his research project on the development of a joint learning process for Native people and the forest industry.

The general objective of the project is to foster harmonious exploitation of resources that are of value to Native people through the development of a participatory process that promotes two-way learning. Mr. Pelletier's goal is to enhance the available expertise on forestry issues adversely affecting Native people and to participate in the application of a joint-management model.

The members asked Mr. Pelletier questions about the details of his project.

The Chairman thanked Mr. Pelletier for coming and wished him good luck with his project. The Committee agreed to send him a letter of support.

10. **VARIA**

**10.1 Follow-up on administrative agreement and brief**

The JBACE will recontact the Minister of the Environment and Wildlife regarding the brief and draft administrative agreement submitted by the Committee.

**10.2 1997-1998 budget proposal**

The Chairman distributed copies of the Committee's budget proposal for 1997-1998. The members passed the following resolution sanctioning the proposal:

**JBACE RESOLUTION 97-02-04-03 regarding the JBACE's 1997-1998 budget proposal**

**Whereas** the JBACE is required to submit a budget proposal to MEF;

**Whereas** the JBACE members read the budget proposal and deems it consistent with the Committee's needs;

**Whereas** the JBACE is prepared to justify its budget proposal to the National Assembly's Commission de la défense des crédits.

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**It is hereby resolved:**

to approve the JBACE's budget proposal for fiscal 1997-1998 and submit it to MEF as soon as possible.

Moved by: Jacques Lefebvre (Québec)

Seconded by: Yves Désilets (Canada)

**10.3 Joint action between northern committees and the JBNQA**

While the procedures established by sections 22 and 23 of the JBNQA bear similarities, they are nevertheless different. A Québec representative suggested that the KEAC and the KEQC work on Section 23, and the JBACE concentrate on Section 22, in consultation with the other northern committees.

The committees could subsequently work together on both sections.

**11. DATE AND LOCATION OF NEXT MEETING**

The next meeting will be held at the CRA office in Montréal on March 20, 1997.



**DENIS BERNATCHEZ**

Secretary

97-04-08